



07-06-06.

IFW

2613.

EXPRESS MAIL CERTIFICATE

Express Mail No.: - EV 907435338 US

Date of Deposit: - July 5, 2006

Type of Document(s): - Transmittal Form (PTO/SB/21)
- Amendment and Response to Non-Final Office Action
(20 pages)
- Postcard Receipt

Application No.: - 10/037,085

Filed: - December 20, 2001

Applicant(s): - Kenneth M. MAXHAM

Title: - SYSTEM AND METHOD FOR SELECTING THE
PLACEMENT OF OPTICAL AMPLIFIERS IN
AN OPTICAL NETWORK

Examiner: - Christina Y. Leung

Art Unit: - 2613

Attorney Docket No.: - 10.0882

I hereby certify that the above-referenced documents are being/have been deposited with the United States Postal Service "Express Mail Post Office to Addressee" in accordance with 37 CFR 1.10 on the above-referenced date and are being/have been addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 USA.**

Barbara C. Brown

Barbara C. Brown
North Carolina State Bar/Certified Paralegal



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

22

Application Number

10/037,085

Filing Date

December 20, 2001

First Named Inventor

Kenneth M. MAXHAM

Art Unit

2613

Examiner Name

Christina Y. Leung

Attorney Docket Number

10.0882

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply (20 pages)



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Remarks

Return Receipt Postcard
Express Mail Certificate**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

DOUGHERTY CLEMENTS

Signature

Printed name

Christopher L. Bernard

Date

July 5, 2006

Reg. No.

48,234

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Barbara C. Brown

Date

July 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s))	Kenneth M. MAXHAM
Application No.)	10/037,085
Filing Date)	December 20, 2001
Title)	SYSTEM AND METHOD FOR SELECTING THE PLACEMENT OF OPTICAL AMPLIFIERS IN AN OPTICAL NETWORK
Examiner)	Christina Y. Leung
Art Unit)	2613

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450 USA

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

Dear Sir/Madam:

In response to the non-final Office Action mailed April 5, 2006, rejecting Claims 1-35 of the above-referenced Application, in which Claims 1-35 are pending, Applicant respectfully requests that the following amendments be entered and remarks be considered. In view of these amendments and remarks, Applicant submits that the Application is now in condition for allowance and respectfully requests such action.